

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

KARL MICHAEL JONES

*

*

v.

*

Civil Action No. CCB-16-35

UNIVERSITY OF MARYLAND MEDICAL *

CENTER MIDTOWN CAMPUS, *

MARCUS E. SMITH *

*

MEMORANDUM

Karl Michael Jones filed the complaint on January 6, 2016, together with a motion to proceed in forma pauperis and a motion to appoint counsel. Because he appears indigent, the court will grant the plaintiff's motion to proceed in forma pauperis. For the reasons stated below, the court will deny the plaintiff's motion to appoint counsel and dismiss the complaint.

Jones asserts he is "having [a] hard time trying to recover" from surgeries performed at University of Maryland Medical Center. (Compl. 2, ECF No. 1.) As part of his recovery, he needs to eat a balanced meal after drinking methadone. (*Id.*) He claims that Officer Smith told him he could not eat at the hospital anymore. (*Id.*) As relief, he seeks \$100 in damages and an injunction requiring staff to allow him to eat peacefully without harassment. (*Id.* at 3.)

As presented, the complaint does not present a federal question. The allegations do not state a colorable constitutional claim, nor do the allegations implicate a federal statutory right. Thus, there is no federal question jurisdiction over the matters raised.

Additionally, the court lacks diversity jurisdiction. Under 28 U.S.C. §1332(a), a federal district court has original jurisdiction over all civil actions where the amount in controversy exceeds \$75,000, exclusive of interest and costs, and is between citizens of different states. The

statute “requires complete diversity among parties, meaning that the citizenship of every plaintiff must be different from the citizenship of every defendant.” *Central West Virginia Energy Co., Inc. v. Mountain State Carbon, LLC*, 636 F.3d 101, 103 (4th Cir. 2011) (citing *Caterpillar, Inc. v. Lewis*, 519 U.S. 61, 68 (1996)). Jones and the named defendants are citizens of Maryland. Diversity of citizenship does not exist and this court does not have jurisdiction over any possible state claim that might be construed from the allegations raised in the complaint.

The complaint will be dismissed without prejudice. A separate order follows.

January 21, 2016
Date

/S/
Catherine C. Blake
United States District Judge